

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

MAURICE GLADYS,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 2:10-cv-02694-RBP-PWG
	)	
ALABAMA DEPARTMENT	)	
OF CORRECTIONS, et al.,	)	
	)	
Defendants.	)	

**ORDER**


The magistrate judge filed a report and recommendation on July 11, 2012, recommending that defendants' motion for summary judgment be granted as to plaintiff's Eighth Amendment excessive force claim against Defendant Johnson and that the claim be dismissed. (Doc. 32.) It was further recommended that defendants' motion for summary judgment be denied as to plaintiff's Eighth Amendment excessive force claim against Defendant Pickens. The parties were allowed fifteen (15) days in which to file written objections to the magistrate judge's recommendations. No objections have been filed by any party.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the

magistrate judge's report is due to be and is hereby ADOPTED and the magistrate judge's recommendation is ACCEPTED. The Court EXPRESSLY FINDS that there are no genuine issues of material fact with regard to plaintiff's claim of excessive force against Defendant Johnson and that Johnson is entitled to judgment as a matter of law. Defendants' motion for summary judgment is therefore due to be and the same is hereby GRANTED IN PART and DENIED IN PART as follows: The motion is GRANTED as to plaintiff's Eighth Amendment excessive force claim against Defendant Johnson and the claim is DISMISSED WITH PREJUDICE. The motion is DENIED as to plaintiff's Eighth Amendment excessive force claim against Defendant Pickens.

Defendant Pickens is hereby ORDERED to file an answer within twenty (20) days of the entry date of this order.

DONE and ORDERED this the 13<sup>th</sup> day of August, 2012.

A handwritten signature in black ink, reading "Robert B. Propst". The signature is written in a cursive, flowing style.

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**ROBERT B. PROPST**  
**SENIOR UNITED STATES DISTRICT JUDGE**